

CHECKLIST FOR THE CONTENTS OF A  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FONSI Title: \_\_\_\_\_  
\_\_\_\_\_

Environmental Assessment (EA) Title: \_\_\_\_\_  
\_\_\_\_\_

Reviewer: \_\_\_\_\_

Date of EA; \_\_\_\_\_ Date of FONSI \_\_\_\_\_

PART 1: CEQ REGULATIONS, 1508.13

1. Does the FONSI include the EA, or a summary of the EA? 1508.13  
yes/no page(s)
2. If the FONSI includes the EA, does the FONSI incorporate by reference discussions in the EA rather than repeat those discussions? 1508.13  
yes/no page(s)
3. Does the FONSI present the reasons why an action will not have a significant effect on the human environment? 1508.13  
yes/no page(s)
4. Does the FONSI state whether any other documents are relate to it? 1508.13  
yes/no page(s)

PART 2: PUBLIC AVAILABILITY

5. Does the FONSI indicate how it will be made available to the affected public? 1501.4(e)(1)  
yes/no page(s)
6. Does the FONSI state whether it has been prepared on an action which  
- is, or is similar to, one which normally requires the preparation of an EIS, or  
yes/no page(s)  
- is without precedent? 1501.4(e)(2)  
yes/no page(s)
7. If the action is or is similar tom one which normally require-s an EIS, or is one without

precedent, does the FONSI state whether it will be available for public review for 30 days before the agency makes its final determination whether to prepare an EIS? 1501.4(e)(2)

yes/no page(s)

### PART 3: SUBJECTIVE FONSI STANDARDS

8. Does the FONSI include only brief discussion of other than significant issues, with only enough discussion to show why more study is not warranted? 1502.2(b)

yes/no page(s)

9. Is the FONSI brief? 1508.13

yes/no page(s)

### PART 4: LEGAL STANDARD OF REVIEW

10. Does the FONSI show that the agency reasonably concluded that the project will have no significant adverse environmental consequences? City of Davis v. Coleman, 521 F.2d 661, 673 (9<sup>th</sup> Cir. 1975)(emphasis original). Does the FONSI show that the alternatives including the proposed action will not significantly degrade some human environmental factor?

yes/no page(s)

11. An EIS is required whenever a proposed action may cause significant degradation of some human environmental factors.@ City of Davis v. Coleman, 521 F.2d 661, 673 (9<sup>th</sup> Cir. 1975) (emphasis original). Does the FONSI show that the alternative including the proposed action will not significantly degrade some human environmental factor?

yes/no page(s)

12. Is the FONSI prepared according to the agency's own guidelines? Portela v. Pierce, 650 F.2d 210, 213 (9<sup>th</sup> Cir. 1981).

yes/no page(s)

13. Does the FONSI show that it precedes the agency's final decision on the proposed action? (FONSI pitfall #1)

yes/no page(s)

14. Neutral facts do not support a FONSI. Do facts stated in the FONSI show how they support a finding of no significance? (FONSI pitfall #4)

yes/no page(s)

15. Mitigation measures.

-A(C)hanges in the project are not legally adequate to avoid an impact statement unless they permit a determination that such impact as remains, after the change, is not significant.@ Cabinet Mountains Wilderness/Scotchman's Peak Grizzly Bears v. Peterson, 685 F.2d 678 (D.C. Cir. 1982). Does the FONSI show that the agency is committed to the mitigation measures reduce

impacts below the threshold of significance?

yes/no      page(s)

-Agencies should not rely on the possibility of mitigation as an excuse to avoid the EIS requirement.@ Cabinet Mountains Wilderness/Scotchman's Peak Grizzly Bears v. Peterson, 685 F. 2d 678 (D.C. Cir. 1982)(emphasis added). Does the FONSI show that the agency is committed to the mitigation measures (i.e. that proposed action will not be taken without measures)? (FONSI pitfall #3)

yes/no      page(s)

16. Are all alternatives which were discussed in the EA appear in the FONSI? (FONSI pitfall #2).

yes/no      page(s)

17. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. 40 C.F.R. \* 1508.27(b)(1). Does the FONSI show that beneficial, as well as adverse impacts will not be significant? (FONSI pitfall #6)

yes/no      page(s)

18. Does the FONSI present the reasons why the action will not have a significant effect on the human environment? 40 C.F.R. \* 1508.13. (FONSI pitfall #5)

yes/no      page(s)

19. Are all effects described in the EA taken into account in the FONSI? (FONSI pitfall #7)

yes/no      page(s)

20. Are all environmental standards the sole evidence of non-significance? (FONSI pitfall #8)

yes/no      page(s)

END

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